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F. #2005R01618

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U.S. DISTRICT COURT E.D.N.Y.
★ APR 12 2006 ★
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

RAUL URENA,
TOBY DAGY and
FRANKIE BALENTINE,

Defendants.

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ORDER TO REDACT AND SEAL INDICTMENT

Cr. No. 05-0885(FB)

Upon the application of the United States of America, Roslynn R. Mauskopf, United States Attorney, by Jeffrey Rabkin, Assistant U.S. Attorney, and good cause appearing therefore, it is hereby ORDERED that:

(1) A redacted copy of the Indictment filed on December 1, 2005 against defendants RAUL URENA, TOBY DAGY and FRANKIE BALENTINE shall be provided to the defendant RAUL URENA and counsel; the redacted copy shall make no reference to any defendant other than RAUL URENA; and

(2) This Order, The Indictment and all related docket sheet entries shall be sealed with regard to defendants TOBY DAGY and FRANKIE BALENTINE. until April 13, 2006, to enable the government to make an application to the assigned district court judge, Frederic Block. RLM

Dated: Brooklyn, New York
April 12, 2006

s/ Roanne L. Mann
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

JR
F. #2005R01618

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

RAUL URENA,
TOBY DAGY and
FRANKIE BALENTINE,

Defendants.

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SUBMITTED UNDER SEAL

APPLICATION TO REDACT AND SEAL INDICTMENT

Cr. No. 05-0885(FB)

The UNITED STATES OF AMERICA, Roslynn R. Mauskopf, United States Attorney by Assistant U.S. Attorney Jeffrey Rabkin, herein applies for an Order (1) to redact the Indictment against defendants RAUL URENA, TOBY DAGY, and FRANKIE BALENTINE (the "Indictment"), filed in this court on December 1, 2005, so that only the name of RAUL URENA appear on the Indictment; and (2) to seal the indictment as to co-defendants TOBY DAGY and FRANKIE BALENTINE.

In support of this Application, the UNITED STATES OF AMERICA represents as follows:

1. On December 1, 2005, the Grand Jury voted to indict the defendants RAUL URENA, TOBY DAGY, and FRANKIE BALENTINE. On the same day, the Honorable Lois Bloom, United States Magistrate Judge for the Eastern District of New York,

ordered that the Indictment be sealed and issued arrest warrants for all three defendants.

2. The defendant FRANKIE BALENTINE was arrested in Las Vegas, Nevada, on December 14, 2005. Immediately after his arrest, BALENTINE agreed to cooperate with the government's investigation. He appeared before the United States District Court for the District of Nevada on the same day, and was released. Since his release, BALENTINE has been actively cooperating with the government's ongoing investigation of a narcotics organization of which defendants TOBY DAGY and RAUL URENA are members.

3. Defendant TOBY DAGY has not been arrested. Based on information gained during the course of this investigation, the government believes that DAGY has acted as a drug courier for the narcotics organization in the past, and that the leaders of the narcotics organization are currently attempting to recruit defendant DAGY to make another overseas drug trip in the immediate future.

4. Special Agents of the Bureau of Homeland Security, Immigrations and Customs Enforcement ("ICE") arrested Defendant RAUL URENA on April 12, 2006. Because the government's investigation of the above-referenced narcotics investigation is on-going, and because co-defendant BALENTINE continues to have direct contact with the same leaders of the narcotics

organization with whom URENA has had contact, the government respectfully submits it is necessary to provide defendant URENA with a redacted indictment that does not indicate the names of his co-defendants so that URENA does not communicate those names to his co-conspirators. In addition, the government submits that the indictment and all related docket sheet entries should immediately be sealed with regard to defendants TOBY DAGY and FRANKIE BALENTINE other than defendant RAUL URENA so that neither URENA nor his co-conspirators learn that (a) there is an outstanding warrant for defendant TOBY DAGY's arrest and (b) that defendant BALENTINE was arrested in December, 2005.

WHEREFORE, it is respectfully requested that a redacted copy of the Indictment be provided to the defendant and counsel; and

WHEREFORE it is respectfully requested that the indictment and all related docket sheet entries be sealed with regard to defendants TOBY DAGY and FRANKIE BALENTINE.

Dated: Brooklyn, New York
April 12, 2006

Jeffrey Rabkin
Assistant U.S. Attorney